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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

YES ON MEASURE G, COMMITTEE FOR  
MEASURE B: MEASURE B FOR  
BERRYESSA, AND LAWRENCE S.  
NICHOLS,

Respondents.

) FPPC No.: 98/597  
)  
)  
) DEFAULT DECISION AND  
) ORDER  
) (Government Code section 11506)  
)  
)  
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Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, hereby submits this Default Decision and Order for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

Pursuant to the California Administrative Procedure Act,<sup>1</sup> Respondents Yes on Measure G, Committee for Measure B: Measure B for Berryessa, and Lawrence S. Nichols, also known as Larry Nichols, have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. A Finding of Probable Cause;
2. An Accusation;

<sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

3. A Notice of Defense (Two Copies);
4. A Statement to Respondent; and,
5. Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

Section 11506 of the Government Code provides that failure by a respondent to file a Notice of Defense within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents Yes on Measure G, Committee for Measure B: Measure B for Berryessa, and Lawrence S. Nichols, explicitly states that a Notice of Defense must be filed in order to request a hearing. Respondents Yes on Measure G, Committee for Measure B: Measure B for Berryessa, and Lawrence S. Nichols did not file a Notice of Defense within fifteen days of being served with an Accusation.

Respondents Yes on Measure G and Lawrence S. Nichols committed fourteen violations of the Political Reform Act, and Respondents Committee for Measure B: Measure B for Berryessa and Lawrence S. Nichols committed twelve violations of the Political Reform Act, as described in Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

This Default Decision and Order is submitted to the Commission to obtain a final disposition of this matter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Krausse  
Executive Director  
Fair Political Practices Commission

ORDER

The Commission issues this Decision and Order and imposes a total administrative penalty of \$26,000 (Twenty-Six Thousand Dollars): \$12,000 (Twelve Thousand Dollars) upon Respondents Yes on Measure G and Lawrence S. Nichols, joint and severally, and \$14,000 (Fourteen Thousand Dollars) upon Respondents Committee for Measure B: Measure B for Berryessa and Lawrence S. Nichols, jointly and severally, payable to the “General Fund of the State of California.”

IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Liane M. Randolph, Chairman  
Fair Political Practices Commission